

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TOMMY HALL,

Plaintiff,

CIVIL ACTION NO. 09-10933

v.

DISTRICT JUDGE DAVID M. LAWSON

RAJA, JAYNA SHARPLEY,
CORRECTIONAL MEDICAL
SERVICES, INC., and PRISON
HEALTH SERVICES, INC.,

MAGISTRATE JUDGE MARK A. RANDON

Defendants.

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**ORDER ON THYAGARAJAN M.D. AND CMS' MOTION TO
STRIKE AND TO LIMIT THE SCOPE OF TESTIMONY (DKT. NO. 108)**

This matter is before the Court on Vishnampet Thyagarajan M.D. and Correctional Medical Services, Inc.'s motion to strike Timothy Spencer, D.O., from Plaintiff's witness list as an expert witness and to limit the scope of his testimony solely to that pertaining to his actual involvement in the treatment of Plaintiff (Dkt. No. 108). The Court has reviewed this motion, Plaintiff's response (Dkt. No. 117) and the reply thereto (Dkt. 120). Being otherwise fully advised,

IT IS ORDERED that, notwithstanding the lack of an expert witness report, as one of Plaintiff's pre-incarceration treating physicians, Timothy Spencer, D.O., may testify as to matters within his personal knowledge based upon his examination(s) of Plaintiff and his review of any medical records in preparation for these examinations. This may include an opinion as to the type of future care Plaintiff may have required as *long as* that opinion was formed before, during or shortly after his treatment of Plaintiff.

IT IS FURTHER ORDERED that because Plaintiff has failed to provide any documents indicating that he received treatment from Dr. Spencer after his release from prison – discovery having closed on November 29, 2012 – Dr. Spencer’s testimony shall not include any opinion or evaluation as to the type, quality, nature or propriety of care provided to Plaintiff while he was incarcerated.

So Ordered.

s/Mark A. Randon
MARK A. RANDON
UNITED STATES MAGISTRATE JUDGE

Dated: February 9, 2012

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on the attorneys and/or parties of record by electronic means or U.S. Mail on February 9, 2012.

s/Melody R. Miles
Case Manager to Magistrate Judge Mark A. Randon